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RECEIVED  
FEDERAL ELECTION COMMISSION CENTER  
1100 First Street, NW  
Suite 600  
Washington, D.C. 20005-3960

① +1.202.654.6200  
② +1.202.654.6211  
PerkinsCoie.com

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June 11, 2018

Jeff S. Jordan  
Office of General Counsel  
Federal Election Commission  
1050 First Street, N.E.  
Washington, DC 20463

OFFICE OF  
GENERAL COUNSEL  
2018 JUN 11 PM 12:56  
Marc Erik Elias  
MElias@perkinscoie.com  
D. +1.202.434.1609  
F. +1.202.654.9126

Re: **MUR 7352**  
**Senator Kirsten Gillibrand and Gillibrand for Senate**

Dear Mr. Jordan:

We write as counsel to Senator Kirsten Gillibrand, Gillibrand for Senate and Keith Lowey in his official capacity as Treasurer (“Respondents”), in response to the complaint filed by Deborah Coughlin on March 27, 2018 (“the Complaint”). The Complaint falsely alleges that Respondents accepted an impermissible corporate contribution from Hedley May through its employee, Regina Glocker. This allegation is patently false and is based on nothing more than mere speculation.

The Complaint presents no evidence to support the allegation that Respondents accepted an impermissible corporate contribution. Indeed, there is no such evidence because the allegation is false. Because the Complaint does not allege any facts showing that an impermissible corporate contribution was made, the Complaint fails to state any facts that, if true, would constitute a violation of the Federal Election Campaign Act of 1971, as amended (“the Act”). The Commission should therefore find no reason to believe that Respondents violated the Act, and should dismiss the matter immediately.

**I. FACTUAL BACKGROUND**

Senator Kirsten Gillibrand is a U.S. Senator from New York. She is running for re-election this year. Gillibrand for Senate is Senator Gillibrand’s principal campaign committee. Chele Farley is challenging Senator Gillibrand as a Republican candidate for U.S. Senate in New York.

The Complaint alleges – based on the unverified reporting of a “Page Six” article in the New York Post – that Regina Glocker has used corporate resources from her former employer (Hedley May) to conduct opposition research regarding Ms. Farley on behalf of Senator Gillibrand. Ms. Glocker is a donor to Senator Gillibrand’s campaign and has been involved in fundraising events for Senator Gillibrand’s re-election. However, Ms. Glocker has no formal affiliation with Gillibrand for Senate. Ms. Glocker is not an employee, consultant, or agent of Senator Gillibrand’s campaign.

## II. LEGAL ANALYSIS

Contrary to the allegations in the Complaint, Respondents have not solicited or accepted any impermissible corporate contributions. Under Commission regulations, “[a] gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office is a contribution.” 11. C.F.R. § 100.52(a). In addition, the “provision of any goods or services without charge or at a charge that is less than the usual and normal charge for such goods and services” is an in-kind contribution. *Id.* § 100.52(d)(1).

The Complaint alleges that Respondents accepted an impermissible in-kind corporate contribution from Hedley May, through its employee, Ms. Glocker, in the form of opposition research. The Complaint also appears to allege that Ms. Glocker was somehow acting on behalf of Senator Gillibrand or her campaign when she was allegedly gathering opposition research related to Senator Gillibrand’s opponent, Ms. Farley. Both of these allegations are erroneous.

*First*, Senator Gillibrand has not in any manner engaged any outside person or firm – paid or unpaid – to conduct opposition research during this election cycle. Senator Gillibrand’s campaign has also not received or used any opposition research from any person (including Ms. Glocker) or any firm (including Hedley May) during this election cycle. Notably, Senator Gillibrand’s campaign has not engaged in any negative advertising related to Ms. Farley’s candidacy, and it has no plans to do so in the future.

*Second*, even if Ms. Glocker or Hedley May were somehow deemed to have engaged in conducting opposition research related to Ms. Farley – recognizing that the Complaint does not set forth any facts sufficient to support this allegation – Ms. Glocker was doing so on her own and not as an agent or on behalf of Senator Gillibrand or her campaign. Ms. Glocker is a donor to Senator Gillibrand’s campaign; she is not a consultant, employee, or agent of the campaign. She has not provided any services to the campaign – paid or unpaid – at any time. Accordingly, even if Ms. Glocker received information related to Ms. Farley that could be considered opposition research, she did so on her own and not as an agent of the campaign. And, as stated above, Respondents did not receive any such opposition research from Ms. Glocker or Hedley May. The Complaint’s allegations to the contrary have no basis in fact, and they should be dismissed.

## III. CONCLUSION

As described herein, the Complaint does not allege any facts, which, if proven true, would constitute a violation of the Act or the Commission Regulations. Accordingly, the Commission should reject the Complaint’s request for an investigation, find no reason to believe that a violation of the Act or the Commission Regulations has occurred, and immediately dismiss this matter.

